

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv156**

CTS CORPORATION,

Plaintiff,

v.

**MILLS GAP ROAD ASSOCIATES,
et al.,**

Defendants.

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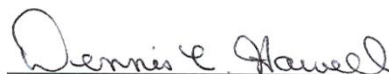
**MEMORANDUM AND
RECOMMENDATION**

Pending before the Court is the Joint Motion to Dismiss and Notice of Partial Settlement re Slosman Estate [# 74]. Plaintiff brought this action against Defendants asserting claims for breach of contract, declaratory relief, and payment on a promissory note. Plaintiff and Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson, in their capacity as Co-Executors/Executrix of the Estate of Frederick N. Slosman (collectively the “Slosman Estate”), now jointly move to dismiss with prejudice all the claims in the Complaint asserted against the Slosman Estate. The joint motion is made pursuant to a written settlement agreement that resolves all the claims between Plaintiff and the Slosman Estate in this action. The remaining Defendants – Mills Gap Road Associates, John Powell, and Stanley H. Greenberg – consent to the dismissal of the Slosman Estate. The

parties' joint motion is now before this Court for a Memorandum and Recommendation to the District Court.

Upon a review of the docket, the parties' pleading, and the relevant legal authority, the Court **RECOMMENDS** that the District Court **GRANT** the motion [# 74] and **DISMISS with prejudice** all the claims asserted by Plaintiff CTS Corporation against Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson, in their capacity as Co-Executors/Executrix of the Estate of Frederick N. Slosman. The Court **RECOMMENDS** that the District Court **DIRECT** the Clerk to **TERMINATE** Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson, in their capacity as Co-Executors/Executrix of the Estate of Frederick N. Slosman, as parties to this dispute.

Signed: April 29, 2013



Dennis L. Howell
United States Magistrate Judge



Time for Objections

The parties are hereby advised that, pursuant to 28, United States Code, Section 636(b)(1)(c), and Rule 72, Federal Rules of Civil Procedure, written objections to the findings of fact, conclusions of law, and recommendation contained herein must be filed within **fourteen (14)** days of service of same.

Responses to the objections must be filed within fourteen (14) days of service of the objections. Failure to file objections to this Memorandum and Recommendation with the district court will preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).